REMARKS

Claims 1-20 were examined and reported in the Office Action. Claims 1-4, 11, 17 and 18 are rejected. Claims 1-20 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. 102(e)

It is asserted in the Office Action that claims 1-4 and 11 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,578,145 issued to Hou ("Hou"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

> '[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

It is asserted in the Office Action that the limitations of claims 1 and 17 of "the counter being operable independently of the pixel array" is disclosed in Hou based on the description in column 6, lines 62-65. Applicant respectfully disagrees. Hou discloses that the "counter 311 counts the time marks in time mark signal 320 once the light integration of all the photodetectors starts" (Hou, column 6, lines 45-51). From this description, it will be apparent that in Hou the counter operates in synchronization with the sensor. Further, Hou discloses that "[w]hen an appropriate reset signal is applied to reset connector (304), photodetectors (302) are all cleared and starts light integration process" (Hou, column 5, lines 65-67). This means that the preceding light integration process is terminated at the timing of the reset signal when the new light

integration process is started. Therefore, it is clear that in Hou the counter (311), which is reset at the end of the light integration, operates in synchronization with the photodetector (302).

Moreover, Hou does not teach, disclose or suggest Applicant's amended claim 1 limitations of

> voltage-time conversion circuits which are arranged adjacent to said respective plurality of sensors and change output levels upon the lapse of times corresponding to output voltage values of said plurality of sensors at a conversion operation start point in order to convert voltage outputs of said plurality of sensors into times; and a sensed data generation circuit for outputting, as digital data, lapse times until the output levels of said voltage-time conversion circuits change after a conversion start point, said sensed data generation circuit including a counter which counts a clock signal and operates independently of the plurality of sensors, and a maximum value of the counter being arbitrarily adjustable.

Therefore, since Hou does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Hou. Thus, Applicant's amended claim 1 is not anticipated by Hou. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-4 and 11, are also not anticipated by Hou for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 1-4 and 11 are respectfully requested.

II. 35 U.S.C. 103(a)

It is asserted in the Office Action that claims 17 and 18 are rejected in the Office Action under 35 U.S.C. § 103(a), as being obvious over "*A Digital Camera for Machine Vision*", Conference on Industrial Electronics, Control and Instrumentation, 1994, by A. Simoni et al ("Simoni") in view of Hou. Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

> [t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at __, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, "[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*." And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, "[t]he mere fact that references <u>can</u> be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007). Additionally, according to MPEP §2143

> [a] statement that modification of the prior art to meet the claimed invention would have been "<u>well within the ordinary skill of the art</u> at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

Simoni discloses a digital camera to be used in machine vision applications. Hou discloses an image sensor that converts light intensity signals to digital signals without using A/D converters.

Even if the teachings of Simoni are combined with that of Hou, the resulting invention would still not teach, disclose or suggest Applicant's amended claim 17 limitations of "a counter for sequentially outputting count values in accordance with internal count operation and for operating independently of each sensor in each pixel of the matrix, and a maximum value of the counter being arbitrarily adjustable."

Further, the assertions made in the Office Action on pages 8-9 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. And, since neither Simoni, Hou, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 17, Applicant's amended claim 17 is not obvious over Simoni in view of Hou since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 17, namely claim 18, would also not be obvious over Simoni in view of Hou for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 17 and 18 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-20 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 1/14/08

By: _____
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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 14, 2008.

Linda Metz — January 14, 2008